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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Zucherman, et al.

Appl. No.: 10/694,103

Confirm. No.: 3095

Filed: October 27, 2003

Title: INTERSPINOUS PROCESS IMPLANT
WITH RADIOLUCENT SPACER AND
LEAD-IN TISSUE EXPANDER

PATENT APPLICATION

Art Unit: 3731

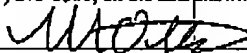
Examiner: David Owen Reip

Atty. Docket No.: KLYC-01077US1

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Facsimile No. (571) 273-8300, on the date shown below.


Mathew Orts (Signature)
Signature Date: 5/15/06

REPLY TO RESTRICTION/ELECTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply is in response to the Office Action mailed April 17, 2006, in the subject application.

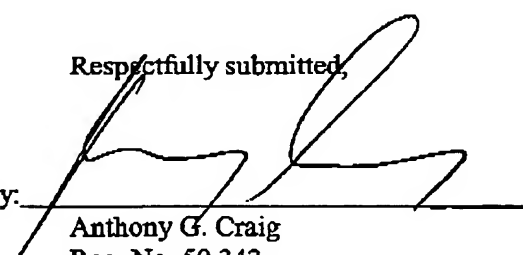
Applicant elects without traverse to prosecute the invention of Group I, including claims 1-67, drawn to an apparatus. Applicant further elects species "C, Figs. 3A-C" which reads on at least claims 1-67.

No fee is believed due in connection with this paper. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 5/15/06

By:


Anthony G. Craig
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